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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: James P. Elia)
Serial No.: 09/836,750)
Filed: April 17, 2001)
For: METHOD FOR GROWING)
MUSCLE IN A HUMAN HEART)

Group Art Unit: 1646

Examiner: Elizabeth C. Kemmerer, Ph.D.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited
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Elizabeth C. Kemmerer 6/23/04
Signature Date

AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment responds to the outstanding Office Action of June 1, 2004, in which the Examiner deemed Applicant's February 17, 2004 Amendment to be non-responsive. The Examiner considered that the amended claims no longer read on the elected Group 79 invention (claims 204, 205, and 236-253). In the Office Action, the Examiner further considered that "the current claims correspond most closely to non-elected Group 83 as set forth in the restriction requirement of 02 April 2003."

Applicant respectfully disagrees with the Examiner's holding of non-responsiveness but, in any event, has amended the claims of the application to remove any doubt as to which Group the claimed invention pertains. For the reasons set forth below, the Examiner is respectfully requested to favorably reconsider the holding of non-responsiveness.